

### **REMARKS**

Claims 1-28 are pending in the application. Claims 1, 22, 26, and 28 are in independent form. Favorable reconsideration is requested.

Reconsideration is respectfully requested of the rejection of Claims 1, 2, 6, 7, 12-16, 18, 19, 21, and 25-27 under 35 U.S.C. §102(e), as being anticipated by U.S. Patent No. 6,845,453 (“Scheidt”); of the rejection of Claims 3-5, 17, 20, 22-24, and 28 under 35 U.S.C. §103(a), as being obvious over Scheidt in view of U.S. Patent Publication No. 2003/0037004 (“Buffum”); and of the rejection of Claims 8-11, as being obvious over Scheidt in view of U.S. Patent No. 7,039,812 (“Kawan”).

Further to the arguments presented in the Amendment filed January 21, 2009, Applicants submit that the presently claimed invention is patentably distinct over the cited references at least for the following reasons:

#### **Regarding Point 4 of Office Action:**

The key difference between Scheidt and the claimed invention is that Scheidt describes a traditional biometric system in which one vendor is used to create an enrollment template and a verification template. Contrary to bullet 4 on page 3 of the Office Action, it is respectfully submitted that Scheidt does not process the sample by a “second” vendor’s algorithm.

To compare the claims it is useful to align the terminology:

- Scheidt’s “enrollment template” appears to be the same as Applicants “reference template”
  - Scheidt’s enrollment template (col. 2, ll. 28-32): “During enrollment, a biometric instance (such as a fingerprint scan) is obtained, and unique characteristics or features

- of the biometric instance are extracted to form a biometric template, which is stored as an enrollment template for subsequent identification purposes.”
- Applicant’s “reference template” (Page 1, paragraph 6): “Biometric templates known as reference templates are generated when an individual enrolls or registers in a biometric system.”
  - Scheidt’s “verification template” appears to be the same as Applicant’s “match template”
    - Scheidt’s verification template (col. 2, ll 32-36)(emphasis added): “identification involves obtaining a subsequent biometric instance reading of the same type, extracting unique characteristics or features of the subsequent biometric instance to form a new template (the verification template)...”
    - Applicant’s match template: (Page 1, paragraph 7): “Biometric templates known as match templates are generated when an individual provides biometric data in order to be identified or verified...”

The traditional model for biometric systems is that they involve one vendor’s proprietary technology to create both an enrollment/reference template and a verification/match template and then to perform the match (Page 1, paragraphs 8,9). Scheidt explicitly references this model in its definition of verification template (col. 2, ll 32-36): “subsequent biometric instance reading of the same type.” Templates from different vendors are in different formats and are incompatible. Reliance on one vendor results in biometric systems being proprietary in that once a given vendor creates a reference template, only that vendor can be used to create a match template in order to perform a match. The unique aspect Applicants’ invention is that two vendor’s

technologies are involved to create two different reference templates in two different formats. This mitigates the proprietary issue because either vendor can be used to create a match template in order to perform a match. Claim 1 refers to “processing the biometric sample by a first vendor’s algorithm to yield a first reference template” and “processing the biometric sample by a second vendor’s algorithm to yield a second reference template.” Therefore two different and incompatible reference templates are created.

As noted in bullet 5 on page 3 of the Office Action, Scheidt does reference two templates (Figs. 3, 4 and 5, col. 2, ll. 23-42, a subsequent biometric instance...to form a new template), however this reference is not to processing by a second vendor. Scheidt describes is a new template, but a different type of template from the same vendor: a new “match” template in comparison to the existing reference template. It is simply a reference to the traditional model where one vendor ‘s algorithm creates both a reference and a match template. In fact Scheidt expressly references the fact that only one vendor is used because it describes the process where the two templates (i.e., reference and match templates) are compared against each other (col. 2, ll. 36-37 “and comparing the two biometric templates to determine the identification of the user.” Templates from two different vendors are in different formats and cannot be compared against each other.

The following illustration demonstrates the difference.

**Scheidt:**

- 1) First biometric placement/instance



-> create vendor 1's enrollment/reference template

- 2) Second biometric placement/instance



-> create vendor 1's verification/match template

**Applicant's Claim 1:**

- 1) First biometric placement/instance



-> a) create first enrollment/reference template using vendor 1

-> b) create second enrollment/reference template using vendor 2

That is, the presently claimed invention, as recited in independent Claim 1, and similarly in independent Claims 22, 26, and 28, results in two incompatible enrollment/reference templates from two different vendors. Scheidt does not describe two vendors or incompatible templates.

Further, the following business hypothetical further clarifies the difference between Scheidt and Claim 1. Cogent and NEC are two leading fingerprint vendors. Scheidt describes a Cogent system wherein a user places their finger on a scanner and the Cogent technology creates an enrollment template. The user then places their finger on the scanner a second time (“a subsequent biometric instance reading”) and the Cogent system creates a verification template. The Cogent technology then compares the enrollment template and the verification template to determine if they match. The Department of Homeland Security (DHS) has implemented such a system wherein millions of people place their fingers and millions of Cogent enrollment templates are created. And when same people use the system over many years Cogent technology creates verification template to compare against the enrollment templates. However DHS is now locked into Cogent’s technology. DHS cannot use the NEC technology to create a verification template because the template is in a different format from the Cogent templates and cannot be matched.

#### **Regarding Point 8 of Office Action**

While it is correct that Scheidt describes a process of “creating additional templates from two biometric instances”, as noted above it is referring to enrollment and verification templates from the same vendor. Contrary to the statement in point 8, nowhere does Scheidt refer to processing the biometric sample “by an additional vendor”. In fact Scheidt cannot be referring to an additional vendor because it describes the process where the two templates are compared against each other. Templates from two different vendors are in different formats and cannot be compared against each other.

**Regarding Point 66 of Office Action**

Applicants respectfully point out that Applicant's argument is not that Scheidt does not teach processing the biometric sample twice – in fact it does. But Scheidt teaches processing the biometric sample twice by the same vendor's technology -- to yield enrollment and verification templates). Applicant teaches processing the biometric sample multiple times by two or more vendors to produce multiple, incompatible enrollment templates.

Buffum and Kawan fail to cure the deficiencies of Scheidt.

Accordingly, it is respectfully submitted that amended independent Claims 1, 22, 26, and 28, and the claims depending therefrom, are patentably distinct over the cited references, alone or in any possible combination.

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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